

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

KAMALI RIVES

also known as

Kut,

Defendant.

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CRIMINAL FILE NO.

1:14-CR-130-4-TWT

**ORDER**

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 307] of the Magistrate Judge recommending denying the Defendant's pro se Motion to Vacate Sentence [Doc. 297]. The Defendant has a lot of nerve. In 2014, the Defendant was indicted on 23 counts of mail fraud, bank fraud, access device fraud, and identity theft. On January 7, 2015, the Magistrate Judge granted the Defendant's Motion for Bond. That Order was appealed to me by the Government. I revoked the Order of the Magistrate Judge and ordered the Defendant detained until trial. The Defendant appealed my Order to the Court of Appeals which affirmed my Order. On December 16, 2015, after the case had been set for trial, the Defendant pleaded guilty to all counts of the indictment. On March 4, 2016, I

sentenced the Defendant to 234 months in the custody of the Bureau of Prisons and ordered him to pay \$602,338.32 in restitution. The Defendant's court appointed attorney appealed his sentence. On September 8, 2016, the Defendant was mistakenly released from the Fulton County Jail. He has been a fugitive ever since. On June 29, 2018, the Clerk received a package from the Defendant containing his pro se Motion to Vacate Sentence [Doc. 297] alleging ineffective assistance of counsel. The Government argued in response that the motion should be denied because the Defendant had absconded from custody. Apparently unaware that the Defendant was a fugitive, the Court of Appeals ruled on the merits of the Defendant's appeal and affirmed my sentence. The Magistrate Judge recommended denying the Defendant's Motion to Vacate Sentence on the grounds that it was untimely under 28 U. S. C. § 2255(f). No objections to the Report and Recommendation have been filed. Therefore, I approve and adopt the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Vacate Sentence [Doc. 297] is DENIED. However, I will consider any late-filed Objections if they are personally delivered by the Defendant to a Deputy United States Marshal on the sixteenth floor of the Richard Russell Building within 10 days from the date of this Order. The Defendant must present appropriate identification and advise the Deputy Marshal that he is a fugitive from justice.

SO ORDERED, this 9 day of January, 2019.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge